

§ 35.14

this subpart B and in addition the following definition is applicable to this subpart B:

(a) *Lead-based paint* as defined in section 501(3) of the Act as amended by Pub. L. 94-317 (42 U.S.C. 4801, et seq), the National Consumer Information and Health Promotion Act of 1976, means: (1) Any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied or both; or (2) with respect to paint which is manufactured after June 22, 1977 lead-based paint means any paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.

[41 FR 28876, July 13, 1976, as amended at 42 FR 5043, Jan. 27, 1977]

§ 35.14 Requirements.

(a) No office of the Department shall use or permit the use of lead-based paint on applicable surfaces of HUD-associated housing.

(b) Each Assistant Secretary shall implement the requirements of paragraph (a) of this section with respect to the HUD programs within his/her administrative jurisdiction. Implementation shall include the establishment of procedures to require the inclusion of appropriate provisions in contracts and subcontracts involving HUD-associated housing prohibiting the use of lead-based paint on applicable surfaces of such HUD-associated housing and shall include provisions necessary for enforcement of the prohibition.

Subpart C—Elimination of Lead-Based Paint Hazards in HUD-Associated Housing

§ 35.20 Purpose and scope.

This subpart C implements the provisions of section 302 of the Act with respect to establishing procedures to eliminate as far as practicable the hazards of lead-based paint poisoning with

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respect to any existing HUD-associated housing which may present such hazards.

[51 FR 27787, Aug. 1, 1986]

§ 35.22 Definitions.

As used in this subpart:

Applicable surface means all intact and nonintact interior and exterior painted surfaces of a residential structure.

Defective paint surface means an applicable surface on which the paint is cracking, scaling, chipping, peeling, or loose.

HUD-associated housing shall have the meaning ascribed in § 35.3.

Residential structure shall have the meaning ascribed in § 35.3.

[51 FR 27787, Aug. 1, 1986, as amended at 53 FR 20798, June 6, 1988]

§ 35.24 Requirements.

(a) Each Assistant Secretary shall establish procedures with respect to programs involving HUD-associated housing within his or her administrative jurisdiction to eliminate as far as practicable the hazards of lead-based paint poisoning with respect to housing that may present such hazards.

(b) Subject to the provisions of separate regulations promulgated with respect to any program by the Assistant Secretary having jurisdiction over that program, the following minimum requirements shall apply to all programs:

(1) All applicable surfaces of HUD-associated housing constructed prior to 1978 shall be inspected to determine whether defective paint surfaces exist.

(2)(i) Treatment necessary to eliminate immediate hazards shall, at a minimum, consist of the covering or removal of defective paint surfaces found in HUD-associated housing constructed prior to 1978.

(ii) Covering may be accomplished by such means as adding a layer of wall-board to the wall surface. Depending on the wall condition, wallcoverings which are permanently attached may be used. Covering or replacing trim surfaces is also permitted. Paint removal may be accomplished by such methods as scraping, heat treatment (infra-red or coil type heat guns) or chemicals. Machine sanding and use of